

COMMISSION ON ENVIRONMENTAL JUSTICE MEETING MINUTES

Wednesday, November 16, 2016 (10:00 am – 12:00 noon)

I. Welcome

Kimberly Wasserman – Chairman

II. Introductions

A. Teleconference

- Commissioner Millard Driskell
- Susanna Figueroa –Faith –n- Place

B. Videoconference Chicago

- Commissioner Kim Wasserman, Chairman
- Commissioner Keith Harley
- Julianna Pino – LVEJO
- Commissioner Veronica Kyle
- Stephanie Bilenko - NEIS
- Commissioner Veronica Kyle
- Julie Friedman – Midwest Energy Efficiency Alliance

C. Videoconference Springfield

- Ken Page - Illinois EPA
- Chris Pressnall – Illinois EPA
- Commissioner Brenda Carter
- Gina Roccaforte – Illinois EPA
- Elizabeth Rupel – Illinois EPA
- Alec Messina – Illinois EPA, Director

III. Approval of Agenda (electronic copy)

- Moved by – Commissioner Kim Wasserman
 - Second- Commissioner’s Driskell and Kyle
- Motion carried

IV. Approval of the Minutes

February 3, 2016 (electronic copy)

- Moved by – Commissioner Driskell
 - Second – Commissioner Carter
- Motion carried

V. Presentations/Discussions:

A. IEPA status on the Clean Power Plan by Alec Messina, Director, IEPA.

The IEPA is still meeting with stakeholders. The next month we can expect to see changes. Director Messina invited everyone to contact him via his email.

- Questions

Keith Harley – what is the plan to resource the Commission with Ken Page's pending retirement? Director Messina anticipates that over the next months posting the job position to replace Ken Page.

Gina Roccoforte – Legal decision from the Court is expected by the end of this year or next year on the Clean Power Plan.

Julie Friedman – was working with Kevin Greene and Jim Ross on the Clean Power Plan's Clean Energy Incentive Programs,

Julianna Pino – The work could be great and fruitful regardless of the outcome of the Clean Power Plan.

B. Clean Power Plan Subcommittee re-cap – EJ Definition

- What definition should be used for Environmental Justice in the Clean Power Plan The definition should encompass everything. Review the Federal and State definitions. Invite EJ groups and EJ organizations to present to the EJ Commission on what they are working on and what they consider an EJ Community.

- EJ Commission members could take a bus trip to Cairo to see how they are dealing with EJ issues. How can the IEPA work to help facilitate this?
- Can the EJ mailing list be released to the EJ Commission? The Commission can use it to reach out to different communities and community members.
- Videoconference locations in Southern Illinois , Springfield and Chicago so that everyone can attend.
- How can we move forward with Waukegan? How can help be given to Waukegan to address environmental issues?

D. Update on EJ Commission changes in 2017.

P.A. 99-541/SB 2920 – signed into law July 8, 2016; effective January 1, 2017. Adds four new voting members to the Commission while eliminating one thereby bringing the total number of Commission members to 24. Replaces the Director of the Department on Aging with a representative of the housing office of the Department of Human Services (DHS). Specifically, adds members (all to be Appointed by the Governor) representing a statewide organization representing Manufacturers, an organization representing the energy sector, a statewide Labor federation representing more than one international union, and an organization representing workers in the energy sector. **See Attachment "A"**

VI. New Business:

- Harley – Send the lead in drinking water out to the full EJ Commission. Lead in drinking water in Illinois Childcare facilities. **See Attachmentt “B”**. Make this an agenda item going forward with the Commission.
- Pino – working on SB550. Will contact Jen Wallings, Illinois Environmental Council, regarding the last summary of the bill.
- Driskell – Just turning the water off is not a fix for the lead contamination.
- Harley – The Commission needs to work with the Illinois Department of Public Health and the Department of Children and Family Services on lead safety in drinking water in child care facilities.

VII. Old Business

None

VIII. Open Discussions/Questions

None

IX. Next Meeting

- 1st Quarter in 2017

X. Adjournment

- At 11:23 am

Attachment “A”

SB2920 Enrolled

LRB099 19775 MGM 44173 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Justice Act is amended by
5 changing Section 10 as follows:

6 (415 ILCS 155/10)

7 Sec. 10. Commission on Environmental Justice.

8 (a) The Commission on Environmental Justice is established
9 and consists of the following 24 ~~20~~ voting members:

10 (1) 2 members of the Senate, one appointed by the
11 President of the Senate and the other by the Minority
12 Leader of the Senate, each to serve at the pleasure of the
13 appointing officer;
14 (2) 2 members of the House of Representatives, one
15 appointed by the Speaker of the House of Representatives
16 and the other by the Minority Leader of the House of
17 Representatives, each to serve at the pleasure of the
18 appointing officer;
19 (3) the following ex officio members: ~~the Director of~~
20 ~~Aging or his or her designee,~~ the Director of Commerce and
21 Economic Opportunity or his or her designee, the Director
22 of the Environmental Protection Agency or his or her
23 designee, the Director of Natural Resources or his or her

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1 designee, the Director of Public Health or his or her
2 designee, ~~and the Secretary~~ Director of Transportation or
3 his or her designee, and a representative of the housing
4 office of the Department of Human Services appointed by the
5 Secretary of Human Services; and
6 (4) 14 ~~10~~ members appointed by the Governor who
7 represent the following interests:
8 (i) at least 4 members of affected communities
9 concerned with environmental justice;
10 (ii) at least 2 members of business organizations
11 including one member representing a statewide
12 organization representing manufacturers and one member
13 representing an organization representing the energy
14 sector;
15 (iii) environmental organizations;
16 (iv) experts on environmental health and
17 environmental justice;
18 (v) units of local government; ~~and~~
19 (vi) members of the general public who have an
20 interest or expertise in environmental justice; and -
21 (vii) at least 2 members of labor organizations
22 including one member from a statewide labor federation
23 representing more than one international union and one

24 member from an organization representing workers in
25 the energy sector.
26 (b) Of the initial members of the Commission appointed by

SB2920 Enrolled

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1 the Governor, 5 shall serve for a 2-year term and 5 shall serve
2 for a 1-year term, as designated by the Governor at the time of
3 appointment. Thereafter, the members appointed by the Governor
4 shall serve 2-year terms. Vacancies shall be filled in the same
5 manner as appointments. Members of the Commission appointed by
6 the Governor may not receive compensation for their service on
7 the Commission and are not entitled to reimbursement for
8 expenses.

9 (c) The Governor shall designate a Chairperson from among
10 the Commission's members. The Commission shall meet at the call
11 of the Chairperson, but no later than 90 days after the
12 effective date of this Act and at least quarterly thereafter.

13 (d) The Commission shall:

14 (1) advise State entities on environmental justice and
15 related community issues;

16 (2) review and analyze the impact of current State laws
17 and policies on the issue of environmental justice and
18 sustainable communities;

19 (3) assess the adequacy of State and local laws to
20 address the issue of environmental justice and sustainable
21 communities;

22 (4) develop criteria to assess whether communities in
23 the State may be experiencing environmental justice
24 issues; and

25 (5) recommend options to the Governor for addressing
26 issues, concerns, or problems related to environmental

SB2920 Enrolled

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1 justice that surface after reviewing State laws and
2 policies, including prioritizing areas of the State that
3 need immediate attention.

4 (e) On or before October 1, 2011 and each October 1

5 thereafter, the Commission shall report its findings and
6 recommendations to the Governor and General Assembly.
7 (f) The Environmental Protection Agency shall provide
8 administrative and other support to the Commission.
9 (Source: P.A. 97-391, eff. 8-16-11.)

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Attachment “B”

Date: November 15, 2016
From: Keith Harley, Member of Illinois Environmental Justice Commission and the
Illinois Environmental Protection Agency Environmental Justice Advisory Group
Yelena Klairmont, Law Clerk, Chicago Legal Clinic, Inc.
To: Kimberly Wasserman, Chair, Illinois Environmental Justice Commission
Ken Page, Environmental Justice Officer, Illinois Environmental Protection
Agency
Re: Children in Illinois Child Care Facilities Receive No Legal Protections From
Lead Threats in Drinking Water – The Problem and Potential Remedies

This memo analyzes whether children in Illinois child care facilities receive meaningful legal protection from lead threats in drinking water. Based on a review of the federal Safe Drinking Water Act, the Illinois Lead Poisoning Protection Act and the Illinois Child Care Act, we conclude that children in Illinois child care facilities receive virtually no legal protections from lead threats in drinking water. In Illinois, it is possible to operate a legally-compliant child care facility without testing, disclosing or abating lead hazards in the drinking water. Moreover, these laws impose no requirements on government agencies to assess lead threats in drinking water in child care facilities. This is true even if a child is identified as having an elevated lead blood level. This is true even though all preschool children are especially susceptible to the toxic effects of lead exposure, which can cause permanent developmental injuries.¹

The good news is that this omission in basic safety standards to protect children can be remedied even in the absence of legislation. The Illinois Department of Public Health can use its existing authority to amend the regulations implementing the Illinois Lead Poisoning Prevention Act. New IDPH regulations to address lead threats in drinking water are appropriate because child care facilities are expressly within the definition of “regulated facilities” under the Illinois Lead Poisoning Prevention Act.² Similarly, the

¹ <https://www.atsdr.cdc.gov/toxprofiles/tp.asp?id=96&tid=22>

² 410 ILCS 45/2

Department of Children and Family Services can use its existing authority under the Child Care Act to amend the licensing regulations that control the operations of every licensed child care facility. New DCFS regulations are appropriate because they would build upon an existing, but only general requirement for licensed child care facilities to provide safe and sanitary water.³ Finally, public and community water suppliers can provide lead risk assessment and response resources for their child care facility water consumers, using existing, off-the-shelf U.S. EPA guidance documents.⁴ These suppliers can also develop enhanced safety protocols in situations when physical alterations of the water supply infrastructure could create elevated risks to water supplies in child care facilities.

I. The Safe Drinking Water Act Does Not Require Child Care Facilities to Assess, Disclose or Abate Lead Threats In Drinking Water.

The federal Safe Drinking Water Act (SDWA) directs U.S. EPA to establish regulatory standards for several contaminants that can be found in drinking water including lead.⁵ The SDWA also requires the suppliers of drinking water – larger public water suppliers and smaller community water suppliers – to ensure the drinking water they deliver to consumers meets these risk-based standards.⁶ These public and community water suppliers must regularly test for and publically disclose the concentrations of contaminants like lead.⁷ If a public water supplier fails to meet the federal standards for regulated substances like lead, it can be subject to an enforcement action brought by the EPA, state regulators and/or citizens.

The SDWA regulates public and community water supplies and suppliers, but not individual building owners and operators. Under the SDWA, there is no requirement for any building owner or operator to test the quality of the water at the tap. Moreover, the SDWA does not require building owners and operators to determine if the drinking water lines on their property and in their buildings are lead-safe, even in older buildings. Notably, many public and community water suppliers continue to distribute water through old lead-containing infrastructure. This is not prohibited. Instead, EPA regulations require suppliers to add anti-corrosion agents that can prevent lead from leaching from public and private pipes.⁸ EPA acknowledges this technique may not be completely successful, and that additional measures may be required including the

³ 89 IAC 407.370(h).

⁴ <https://www.epa.gov/dwreginfo/lead-drinking-water-schools-and-child-care-facilities>

⁵ A comprehensive description of the Safe Drinking Water Act and U.S. EPA's initiatives to implement its requirements can be found at: <https://www.epa.gov/sdwa>

⁶ EPA's Table with regulated contaminants and regulatory limits including for lead can be found here: <https://www.epa.gov/ground-water-and-drinking-water/table-regulated-drinking-water-contaminants>

⁷ The City of Chicago Water Department is a regulated public water supplier. Its annual reports – called the Consumer Confidence Reports – and other sampling results can be found here:

https://www.cityofchicago.org/city/en/depts/water/supp_info/water_quality_resultsandreports.html

An analysis of similar reports from throughout Illinois can be found here:

<http://www.chicagotribune.com/news/watchdog/ct-lead-water-illinois-met-20160512-story.html>

⁸ <https://www.epa.gov/dwstandardsregulations/lead-and-copper-rule-long-term-revisions>

replacement of lead service lines.⁹ Using anti-corrosion agents is the least successful when water is stagnant in pipes, when there is any physical disruption of lead-containing pipes or infrastructure and when there is any interruption in applying the anti-corrosion agents.¹⁰

U.S. EPA is not silent on the threats posed by lead in drinking water in school and child care settings. EPA publishes comprehensive resources for schools and child care centers to assess and respond to the threats of lead in school water supplies.¹¹ Although extremely helpful, this is guidance and is not enforceable under the SDWA. As a practical matter, local public and community water suppliers must be enlisted to ensure this guidance is available to local child care facilities and to provide technical assistance to these facilities. Moreover, it is local water suppliers who conduct the water infrastructure projects that can create short term lead threats for consumers, including child care facilities.

Because of the SDWA, public and community water suppliers must meet a risk-based lead standard, test the water they distribute to the public and openly share information about compliance with the public. However, the SDWA imposes none of these requirements on child care facilities or any other building owner or operator.

Consequently, despite the SDWA, there is a risk that lead that leaches from pipes into drinking water at facilities where children are cared for will not be detected, disclosed or remediated.

II. Despite Being Regulated By The Illinois Lead Poisoning Prevention Act, A Child Care Facility Can Operate Without Assessing, Disclosing or Abating Lead Hazards to Children in Drinking Water.

The purpose of the Illinois Lead Poisoning Prevention Act (IL LPPA) is to prevent children from being lead poisoned. The IL LPPA also mandates the responses which must be taken when a child is diagnosed with an elevated lead blood level.

Several provisions of the IL LPPA are directly relevant to lead threats in child care settings. However, the IL LPPA does not require child care facilities to proactively test water for lead threats. In addition, if an EBL child is identified, it is much more common for the child's dwelling unit to be inspected, not his/her child care facility.¹² Moreover, the IL LPPA does not require lead inspections, lead risk assessments or lead hazards screens to include determinations about the threats posed by lead in drinking water.¹³

The IL LPPA includes child care facilities within its regulatory scope.

The IL LPPA defines "Regulated Facility" as residential buildings and child care facilities.¹⁴ "Child-care facility" means any structure used by a child-care provider licensed by the Department of Children and Family Services, or public or private school structure frequented by children 6 years of

⁹ Id. One of the studies that informed EPA's new regulatory initiative – called the Lead and Copper Rule – was performed in Chicago - <https://www.epa.gov/sites/production/files/2015-10/documents/lead-service-lines-study-20130723.pdf>

¹⁰ <http://www.npr.org/2016/04/14/474130954/chicagos-upgrades-to-aging-water-lines-may-disturb-lead-pipes>

¹¹ <https://www.epa.gov/dwreginfo/lead-drinking-water-schools-and-child-care-facilities>

¹² 410 ILCS 45/8

¹³ 77 IAC 845.85(a)(3)(E) (standards for lead inspections); 845.215 (standards for lead risk assessments); 845.220 (standards for lead hazard screens).

¹⁴ 410 ILCS 45/2

age or younger.¹⁵ Some provisions of the IL LPPA are specifically directed to child care facilities:

1. The IL LPPA requires that prior to admission to a State-licensed or approved day care center, day care home, preschool, nursery school, kindergarten, or other child-care facility, including programs operated by a public school district, a parent, or a legal guardian of a child between 6 months through 7 years is required to provide the child care facility with a statement from a licensed physician or health care provider, stating that a child has been assessed for risk of lead poisoning.¹⁶

2. Child care facilities that participate in the Illinois Child Care Assistance Program (CCAP) must annually send or deliver to the parents or guardians of children enrolled in the facility's care an informational pamphlet regarding awareness of lead poisoning. Pamphlets must be produced and made available by the Department, and to be downloadable from the Department's Internet website. The Department of Human Services and the Department of

Public Health will assist in the distribution of the pamphlet.¹⁷ Many IL LPPA provisions are for regulated facilities generally, and do not distinguish between residential buildings and child care facilities. For example, the IL LPPA broadly prohibits all regulated facilities from using or applying lead-bearing substances in buildings and objects that are accessible to children.¹⁸ However, when a lead poisoned child is identified, the IL LPPA clearly prioritizes the inspection and mitigation of the child's dwelling unit, not child care facility.¹⁹ In almost every case, these inspection and mitigation activities are conducted by local Health and/or Building departments which have been delegated this responsibility the Illinois Department of Public Health.²⁰

Any individual conducting lead inspections in regulated facilities in Illinois is required to be licensed and to follow carefully prescribed regulatory protocols.²¹ According to these inspection requirements, the inspection must include an analysis of the lead content of paint (using an XRF machine and collecting paint chip samples) and dust (collected using dust wipe samples).²² However, additional testing of water and soil is entirely discretionary; consequently, an inspector could complete a legally adequate inspection without testing the levels of lead in water or soil of a child's dwelling or child care facility.²³ All collected paint chip, dust, soil or water samples in regulated facilities must be analyzed by an accredited laboratory, which will produce a report comparing the concentrations of lead to regulatory standards.²⁴ For water samples, the IL LPPA establishes a level of 0.015 mg/L (i.e., 15 ppb) or above as elevated.²⁵

¹⁵ *Id.*

¹⁶ 410 ILCS 45/7.1

¹⁷ *Id.*

¹⁸ 410 ILCS 45/3

¹⁹ 410 ILCS 45/8

²⁰ 77 IAC 845.50

²¹ 77 IAC 845.100-140; 160-165

²² 77 IAC 845.200(c),(d) and (e)

²³ 77 IAC 845.85(a)(3)(E)

²⁴ 77 IAC 845.200-205

²⁵ 77 IAC 845.205(e)

If the inspection report identifies a lead hazard, the regulated facility will receive mitigation notice, requiring the property owner to complete the mitigation of the lead hazard by specific methods and by the time indicated in the notice.²⁶ The owner of a regulated facility who has received a mitigation notice is required to post notices at all entrances to the regulated facility specifying the identified lead hazards, indicating that a unit or units in the building have been found to have lead hazards, and recommending that children 6 years and younger receive blood lead testing.²⁷

Mitigation of lead hazards must be accomplished in a manner prescribed by the regulations in order to avoid endangering the health or well-being of occupants of regulated facilities. This includes a requirement to provide at least 7 days prior notice of the lead abatement.²⁸ The focus of the abatement requirements is the safe removal and disposal of flakes, chips, debris, dust, and other potentially harmful materials.²⁹ Lead abatement must achieve the removal or permanent elimination of exposure to the lead bearing substances at a regulated facility, including replacement of any component or part of a building with a part free of lead bearing substances.³⁰ The IL LPPA includes highly detailed information about the abatement of lead threats posed by paint and in soil, but is virtually silent about how to abate or mitigate lead threats arising from drinking water. Once the owner has complied with a mitigation notice or mitigation order the owner may remove all posted notices.³¹

Child care facilities are subject to regulation under the Illinois Lead Poisoning Prevention Act. Yet, the IL LPPA places little priority on lead threats in water in any setting. Moreover, the law clearly prioritizes lead inspections and mitigation activities in the dwelling unit of an EBL child, not his/her child care facility. For these reasons, despite the IL LPPA, it is possible to operate a child care facility without determining or addressing lead threats in drinking water.

Because of IDPH's existing authority to implement the IL LPPA through regulations, and because child care facilities are already "regulated facilities" subject to the IL LPPA, the IDPH should develop new regulatory standards for lead hazard screens, lead risk assessments and lead inspections that are tailored to identifying and addressing lead hazards posed by drinking water in child care facilities.

III. The Illinois Child Care Act Mandates That Child Care Facilities Provide "Safe and Sanitary Water" for Children. Despite This, DCFS Has Not Developed Regulatory or Licensing Standards Addressing the Threats of Lead in Drinking Water. Until This Is Remedied By the Development of New Regulations by DCFS, a Child Care Facility Can Be Licensed Without Assessing, Disclosing or Abating Lead Hazards to Children in Drinking Water.

The Child Care Act of 1969 mandates minimum safety standards for child care facilities, including day-care centers and day-care homes.³² The Child Care Act gives DCFS the

²⁶ 77 ILCS 45/9

²⁷ 410 ILCS 45/9.4

²⁸ 77 IAC 845.250(a)

²⁹ 410 ILCS 45/11

³⁰ 77 IAC 845.275

³¹ 410 ILCS 45/9.4

³² 225 ILCS 10/1 et seq.

responsibility to develop regulations that implement this mandate.³³ DCFS also oversees the licensing of individual facilities³⁴ and is responsible for conducting annual inspections³⁵, investigating complaints made by parents³⁶ and undertaking enforcement.³⁷

DCFS regulations establish licensing standards that address several categories of environmental hazards including asbestos³⁸, radon³⁹, lead-containing paint,⁴⁰ pesticides⁴¹ and hazardous equipment, furniture and play materials.⁴² For these environmental hazards, The Child Care Act and DCFS' implementing regulations establish highly prescriptive safety standards that must be met by licensed child care facilities. These standards include prohibitions on the use of equipment, furniture and play materials that have hazardous characteristics.⁴³ Licensed facilities must be free of painted and finished surfaces that contain lead and other toxins.⁴⁴ Pesticides may only be used in minimum amounts, with affirmative disclosure requirements to parents.⁴⁵ For other environmental hazards like asbestos and radon, the statute and regulations establish comprehensive protocols to test for and abate these hazards.

DCFS regulations also require day-care centers and homes to provide and maintain a safe and sanitary water supply.⁴⁶ However, with one limited exception, day-care centers and homes are not required to test drinking water. Consequently, most Illinois day-care homes and centers can obtain licenses and operate legally without testing for or abating lead hazards in drinking water.

This is the regulatory standard for both day-care homes and centers:

A safe and sanitary water supply shall be maintained. If a private well supply is used instead of a public water supply, the center/home shall provide written records of current test results indicating the water supply is safe for drinking in accordance with the standards specified for non-community water supplies in the Drinking Water Systems Code (77 Ill. Adm. Code 900). New test results must be provided prior to relicensing. If nitrate content exceeds 10 parts per million, bottled water must be used for infants. 89 IAC 407.370(h).

³³ 225 ILCS 10/7.

³⁴ 225 ILCS 10/3; 10/4.

³⁵ Complaints about licensed facilities can be made by calling the Child Abuse Hotline at 1-800-252-2873. DCFS also maintains the Day Care Information Line 1-877-746-0829. This statewide toll-free information line provides information the public on the history and record, including substantiated violations, of licensed day care homes, day care centers, and group day care homes. This number operates Monday through Friday from 8:30 a.m. to 5:00 p.m.

³⁶ 225 ILCS 10/11

³⁷ 225 ILCS 10/8; 10/8.1/ 10/11.1.

³⁸ 89 IAC 407.370(e)(3).

³⁹ 89 IAC 407.370(e)(4).

⁴⁰ 89 IAC 407.370(e)(3).

⁴¹ 89 IAC 407.370(n).

⁴² 225 ILCS 10/7(a)(5); 89 IAC 407.380(a)and(d).

⁴³ Id.

⁴⁴ 89 IAC 407.370(e)(3).

⁴⁵ 89 IAC 407.370(n).

⁴⁶ 89 IAC 407.370(h).

Under this regulatory approach, the only child care homes and centers that are required to test for and disclose water contaminants are facilities using private wells, which are typically in rural areas. Notably, even for these rural facilities, lead does not appear to be one of the contaminants subject to this requirement. More importantly, facilities which use water from public and community water suppliers are not required to test for, disclose or abate drinking water hazards.

DCFS can remedy this omission. DCFS has both the authority and the responsibility to ensure the well-being of children in child care facilities. DCFS has an existing authority to address the lack of safe water standards in child care facilities by establishing new regulations through the rulemaking process. DCFS has a broad authority and responsibility to ensure child care facilities are safe. Existing regulations acknowledge that licensed facilities must provide a “safe and sanitary water supply”. Using its existing rulemaking authority, DCFS could establish proactive, comprehensive and detailed licensing and operating requirements for testing, disclosing and abating water hazards, including lead. Despite the lack of protective regulations for water, parents have a significant role in assuring that their children are protected in child care facilities. For example, a parent who is concerned that a child care facility is not providing a “safe and sanitary water supply” can make a complaint to the local DCFS Licensing Office or call the Child Abuse Hotline.⁴⁷ If a complaint has been received regarding a violation of a licensing standard of a day care center, a DCFS licensing representative will conduct a licensing complaint investigation to determine if the alleged violation is substantiated or unsubstantiated. The DCFS licensing representative will then report the results back to a parent. Individuals may contact the Day Care Information Line to learn of substantiated violations. If the day care facility does not mitigate an unsafe and unsanitary water supply, DCFS is authorized to impose a temporary or permanent license suspension.

IV. Conclusion

By definition, child care facilities are places where children who are susceptible to lead hazards are congregating on a daily basis. Despite serving this susceptible population, it is possible to operate a legally compliant child care facility without testing, disclosing or abating lead hazards in drinking water. Consequently, it is critically important to establish new legal protections to ensure children in child care settings are not exposed to lead hazards in drinking water. Even in the absence of new legislation, local water suppliers, IDPH and DCFS have the existing authority and responsibility to begin addressing this omission immediately.

⁴⁷ See note 4, *supra*.

